

\*E-Filed 10/13/2010\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MINNESOTA LIFE INSURANCE COMPANY,

No. C 10-04078 RS

Plaintiff,

**ORDER**

v.


STEPHEN FAIN AND NICOLE MONGIOVI,

Defendants.

Pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i) and plaintiff Minnesota Life Insurance Company's Notice of Dismissal, this action is hereby dismissed in its entirety without prejudice. The Clerk of Court shall remit a check in the amount of Ninety Nine Thousand One Hundred Thirty Dollars and No Cents (\$99,130.29) payable to Minnesota Life Insurance Company to its attorneys of record, Reed Smith LLP, 1010 Second Street, San Francisco, California 94106, Attention: Heather B. Hoesterey.

IT IS SO ORDERED.

Dated: 10/13/2010

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

No. C 10-04078 RS  
ORDER